

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAUL SIANCAS, *individually and on
behalf of all others similarly situated*,

Plaintiffs,

v.

Rallye Motors, LLC, Rallye Motors
Holding LLC, Rallye Leasing, Inc., Rallye
Glen Cove, LLC, Rallye Northern, LLC,
Rallye Roslyn, LLC, Rallye Roslyn
Holding, LLC, Rallye Westbury, LLC, and
Exclusive Detailing, Inc.

Defendants.

AFFIDAVIT OF COUNSEL

2:14-CV-06151-JS-SIL

I, MICHAEL K. CHONG, ESQ., declare the following, pursuant to 28 USC § 1746,
under penalty of perjury:

1. I am an attorney at law, admitted to practice in the United States District Court for the Eastern District of New York, and the attorney for defendant Exclusive Detailing, Inc. ("Defendant" or "EDI") in this action. As such, I have knowledge of the facts set forth herein.
2. I submit this Certification in support of Defendant's opposition to Plaintiffs' Motion for Leave to Amend Complaint to add Lisa Agoila as a defendant.
3. On September 11, 2015, Plaintiffs served Defendant EDI a proposed First Amended Complaint.
4. In Plaintiffs' Proposed Amended Complaint, Plaintiffs allege that Lisa Agoila is a shareholder, officer and employee of Defendant EDI. Plaintiffs further allege that her involvement with Defendant EDI classifies her as an employer under the Federal Labor

Standards ("FLSA"). As a result, Plaintiffs seek to add Lisa Agolia as a Defendant in this action.

5. Attached hereto as **Exhibit A** is a copy of the relevant portions of Michael Agolia's deposition testimony from September 28, 2015.
6. Attached hereto as **Exhibit B** is a copy of the relevant portions of Carl Del Almeida's (improperly transcribed as "Carl Dealmeida") deposition testimony from September 28, 2015.
7. The attached deposition testimony from September 28, 2015 of Michael Agoila and Carl Del Almeida establish that Lisa Agoila was merely a part time employee of EDI, who worked from home to help her husband Michael Agoila's business, and that she was not an employer under the FLSA or NYLL.

Dated: November 4, 2015.

Respectfully Submitted,

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